

**PUBLIC NOTICE:  
INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION**

**Project Name and File Number, Description, and Location:**

POLICE SUBSTATION, Public Project File No. PP04-304. This project proposes construction of a three-story, 120,000-square-foot police station building, a 10,000-square-foot vehicle maintenance building, and surface and underground garage parking for approximately 577 vehicles. The police station building would have various components and services, including: Office of the chief, bureau of administration, technical services, investigations, and field operations, communities services, victim witness and rape crisis services, and other related city department offices.

The 12-acre project site is part of the approximately 332-acre Hitachi Global Storage Technologies property. The project site is located at the northeastern corner of the Hitachi campus. The City of San Jose is planning to purchase the 12-acre parcel from Hitachi in order to develop the police substation. It should be noted that Hitachi has also filed a request for a General Plan Amendment and a Planned Development Rezoning in order to facilitate a residential and commercial mixed-use project on its campus. That project is currently undergoing separate review and is not included in the review or approval process for this Police Substation project.

**Council District: 2. Assessor's Parcel Numbers (APNs):** 706-08-001, 706-08-002, 706-08-003. **Property Owner:** Hitachi Global Storage Technologies, Inc. **Applicant:** City of San Jose

California State Law requires the City of San José to conduct environmental review for all pending projects that require a public hearing. Environmental review examines the nature and extent of any potentially significant adverse effects on the environment that could occur if a project is approved and implemented. The Director of Planning, Building & Code Enforcement would require the preparation of an Environmental Impact Report if the review concluded that the proposed project could have a significant unavoidable effect on the environment. The California Environmental Quality Act (CEQA) requires this notice to disclose whether any listed toxic sites are present. The project location **does not** contain a listed toxic site.

Based on an initial study, the Director has concluded that the project described above will not have a significant effect on the environment. We have sent this notice to all owners and occupants of property within 500 feet of the proposed project to inform them of the Director's intent to adopt a Mitigated Negative Declaration for the proposed project on **Wednesday, December 1, 2004**, and to provide an opportunity for public comments on the draft Mitigated Negative Declaration. The public review period for this draft Mitigated Negative Declaration begins on **Friday, November 12, 2004** and ends on **Wednesday, December 1, 2004**.

A public hearing on the project described above is tentatively scheduled for **Tuesday, December 7, 2004 at 7:00** in the City of San Jose Council Chambers, 801 N. First Street, San Jose, CA 95110. The draft Mitigated Negative Declaration, initial study, and reference documents are available for review under the above file number from 9:00 a.m. to 5:00 p.m. Monday through Friday at the City of San Jose Department of Planning, Building & Code Enforcement, City Hall, 801 N. First Street, Room 400, San Jose, CA 95110. The documents are also available at the Dr. Martin Luther King, Jr. Main Library (150 E. San Fernando St, San José, CA 95112), and at the Santa Teresa Branch Library (290 International Circle, San José, CA 95119) and online at [www.sanjoseca.gov/planning/eir/MND2004.htm](http://www.sanjoseca.gov/planning/eir/MND2004.htm)

Adoption of a Negative Declaration does not constitute approval of the proposed project. The decision to approve or deny the project described above will be made separately, as required by City Ordinance.

If you require additional information about the Mitigated Negative Declaration document or the environmental review process for this project, please contact Darren McBain of the Department of Planning Building, and Code Enforcement's environmental review team at (408) 277-8567 or [darren.mc Bain@sanjoseca.gov](mailto:darren.mc Bain@sanjoseca.gov)

For general information about the Police Substation project, its operations, and anticipated timeline for completion, please contact Deedee Flauding in the City Facilities Architectural Services division of the Department of Public Works, (408) 277-4777 or [deedee.flauding@sanjoseca.gov](mailto:deedee.flauding@sanjoseca.gov)

Stephen M. Haase, AICP  
Director, Planning, Building and Code Enforcement

Circulated on: November 12, 2004

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Deputy

**DRAFT**  
**MITIGATED NEGATIVE DECLARATION**

The Director of Planning, Building and Code Enforcement has reviewed the proposed project described below to determine whether it could have a significant effect on the environment as a result of project completion. "Significant effect on the environment" means a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance.

**PROJECT NAME:** Police Substation

**PROJECT FILE NUMBER:** PP04-304

**APPLICANT:**

City of San Jose  
Department of Public Works, City Facilities Architectural Services

**PROJECT DESCRIPTION AND LOCATION:**

The 12-acre project site is part of the approximately 332-acre Hitachi Global Storage Technologies property. The project site is located at the northeastern corner of the Hitachi campus. The City of San Jose is planning to purchase the 12-acre parcel from Hitachi in order to develop the police substation. It should be noted that Hitachi has also filed a request for a General Plan Amendment and a Planned Development Rezoning in order to facilitate a residential and commercial mixed-use project on its campus. That project is currently undergoing separate review and is not included in the review or approval process for this Police Substation project.

This project proposes the construction of a three-story, 120,000-square-foot police station building, a 10,000-square-foot vehicle maintenance building, and surface and underground garage parking for approximately 577 vehicles. The police station building would have various components and services, including: Office of the chief, bureau of administration, technical services, investigations, and field operations, communities services, victim witness and rape crisis services, and other related city department offices.

**City Council District:** 2

**Assessor's Parcel Numbers (APNs):** 706-08-001, 706-08-002, 706-08-003

**FINDING:**

The Director of PBCE finds that the project will not have a significant effect on the environment. As described in further detail below, the initial study for the project has identified one or more potentially significant effects on the environment. However, prior to public release of this draft Mitigated Negative Declaration, the applicant has included mitigation measures and has made project revisions that will reduce the effects to a less-than-significant level.

**Mitigation measures included in the project to reduce potentially significant effects to a less-than-significant level:**

**1. Air Quality**

**Impact:** Construction of the proposed project could result in significant short-term air quality impacts associated with dust generation.

**Mitigation:** The Bay Area Air Quality Management District has prepared a list of feasible construction dust control measures that can reduce construction impacts to a level that is less than significant. These construction measures shall be incorporated into a dust control program. This program shall be included in the application for grading permits and implemented during the construction phase by the project applicant. The following construction practices will be implemented during all phases of construction on the project site:

- Use dust-proof chutes for loading construction debris onto trucks.
- Water to control dust generation during demolition of structures and break-up of pavement.
- Cover all trucks hauling demolition debris from the site.
- Water or cover stockpiles of debris, soil, sand or other materials that can be blown by the wind.
- Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard.
- Sweep daily (preferably with water sweepers) all paved access road, parking areas and staging areas at construction site.
- Sweep streets daily (preferably with water sweepers) if visible soil material is carried onto adjacent public streets.
- Enclose, cover, water twice daily or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.).
- Install gravelbags or other erosion control measures to prevent silt runoff to public roadways.
- Replant vegetation in disturbed areas as quickly as possible.

## **2. Biological Resources**

### **a. Potential impacts to burrowing owls, their burrows, nests, eggs, or young:**

**Impact:** Construction activities such as tree removal, site grading, etc., that disturb a nesting burrowing owl on-site or immediately adjacent to the site (to the construction zone only) or destroy occupied burrows would result in a significant impact.

**Mitigation:** Implementation of the following mitigation measures would reduce project impacts to a less than significant level.

- In conformance with federal and state regulations protecting raptors against direct “take,” pre-construction surveys for burrowing owls will be conducted by a qualified ornithologist prior to any soil-altering activity or development occurring within the project area. The preconstruction surveys shall be conducted per California Department of Fish and Game (CDFG) guidelines (currently no more than 30 days prior to the start of site grading), regardless of the time of year in which grading occurs. If no burrowing owls are found, then no further mitigation would be warranted.
- If preconstruction surveys determine that burrowing owls are located on or immediately adjacent to the site, a construction-free buffer zone around the active burrow must be established as determined by the ornithologist in consultation with CDFG. No activities, including grading or other construction work or evictions of owls, shall proceed that may disturb breeding owls. Construction can resume once owls have fledged.
- If preconstruction surveys determine that burrowing owls occupy the site, and avoiding development of occupied areas is not feasible based on determination of the lead agency, then the owls may be evicted if pre-authorized by the CDFG. CDFG typically allows eviction of owls only during the nonbreeding season (1 September-31 January).

**b. Potential impacts to nesting raptors and loggerhead shrikes during construction:**

**Impact:** Any loss of fertile raptor or shrike eggs, or individual nesting raptors or shrikes, or any activities resulting in nest abandonment, would constitute a significant impact.

**Mitigation:** Implementation of the following mitigation measures would reduce project impacts to a less than significant level.

- Construction should be scheduled to avoid the nesting season to the extent feasible. The nesting season for most birds, including raptors and shrikes, in the South San Francisco Bay area extends from January through August.
- If site clearing, demolition, and construction do not commence between September 1 and December 31, then pre-construction surveys for nesting birds shall be conducted by a qualified ornithologist to ensure that no nests will be disturbed during project implementation. This survey shall be conducted no more than 14 days prior to the initiation of demolition/construction activities during the early part of the breeding season (January through April) and no more than 30 days prior to the initiation of these activities during the late part of the breeding season (May through August). During this survey, the ornithologist will inspect all trees and other habitats (e.g., grasslands, buildings) in and immediately adjacent to the impact areas for nests. If an active nest is found sufficiently close to work areas to be disturbed by these activities, the ornithologist, in consultation with CDFG, will determine the extent of a construction-free buffer zone to be established around the nest, typically 250 feet, to ensure that no nests of species protected by the MBTA or State Code will be disturbed during project implementation.
- If vegetation is to be removed by the project and all necessary approvals have been obtained, suitable nesting substrate (e.g., bushes, trees, grass, burrows) that will be removed by the project shall be removed before the start of the nesting season (February) to help preclude nesting. Removal of vegetation or structures slated for removal by the project shall be completed outside of the nesting season, which extends from January through August.

**c. Potential impacts to ordinance-size trees:**

**Impact:** Forty-eight (48) ordinance-size trees (trees larger than 56 inches in circumference) were located on the project site. Approximately 17 ordinance sized trees (coast redwoods and American ash trees) would be removed as a part of the proposed project.

**Mitigation:** The following measures will be included in order to minimize impacts resulting from the removal of ordinance sized and non-ordinance sized trees. There is no mitigation for non-ordinance-size, orchard-type trees included below.

- Ordinance size trees to be removed as part of the project will be replaced with 24-inch box native species at a ratio of four to one (4 replacement:1 removed). Non ordinance-sized trees 12-inch in diameter or greater will be replaced at a ratio of two to one with 24-inch box native species and trees less than 12-inch in diameter will be replaced at a ratio of one to one with 15 gallon native species. Orchard-type trees (fruit and nut trees) are not included in the mitigation requirement.
- To the extent possible, healthy and mature trees will be incorporated into project landscaping design. Where feasible, ordinance sized trees will be removed, boxed, and replanted on-site as part of the project landscaping.
- The following tree protection measures will also be included in the project in order to protect trees to be retained during construction:
  - Pre-construction treatments
    1. The applicant shall retain a consultant arborist. The construction superintendent shall meet with the consulting arborist before beginning work to discuss work procedures and tree protection.

2. Fence all trees to be retained to completely enclose the tree protection zone prior to demolition, grubbing or grading. Fences shall be 6 ft. chain link or equivalent as approved by consulting arborist. Fences are to remain until all grading and construction is completed.
  3. Prune trees to be preserved to clean the crown and to provide clearance. All pruning shall be completed or supervised by a Certified Arborist and adhere to the Best Management Practices for Pruning of the International Society of Arboriculture.
- Recommendations for tree protection during construction
    1. No grading, construction, demolition or other work shall occur within the tree protection zone. Any modifications must be approved and monitored by the consulting arborist.
    2. Any root pruning required for construction purposes shall receive the prior approval of, and be supervised by, the consulting arborist.
    3. Supplemental irrigation shall be applied as determined by the consulting arborist.
    4. If injury should occur to any tree during construction, it shall be evaluated as soon as possible by the consulting arborist so that appropriate treatments can be applied.
    5. No excess soil, chemicals, debris, equipment or other materials shall be dumped or stored within the tree protection zone.
    6. Any additional tree pruning needed for clearance during construction must be performed or supervised by an Arborist and not by construction personnel.
    7. As trees withdraw water from the soil, expansive soils may shrink within the root area. Therefore, foundations, footings and pavements on expansive soils near trees shall be designed to withstand differential displacement.

### 3. Hydrology and Water Quality

**Impact:** Implementation of the proposed project could result in increased storm water pollution during construction.

**Mitigation:** The following mitigation measures will reduce water quality impacts to a less than significant level:

- a. The following specific measures will be implemented to prevent storm water pollution and minimize potential sedimentation during construction.
  - restrict grading to the dry season or meet City requirements for grading during the rainy season;
  - use Best Management Practices to retain sediment on the project site;
  - place burlap bags filled with drain rock around storm drains to route sediment and other debris away from the drains;
  - provide temporary cover of disturbed surfaces to help control erosion during construction;
  - provide permanent cover to stabilize the disturbed surfaces after construction has been completed;
  - comply with the City of San José's NPDES Permit requirements, the City's ordinances and policies related to storm water management, the State Water Resources Control Board General Permit for Discharges of Storm Water Associated with Construction Activity, and other applicable local, state, and federal requirements.

- b. The project will include post-construction structural controls and Best Management Practices (BMPs) for reducing the volume of storm water runoff and the contamination in storm water runoff as permanent features of the project in accordance with the City of San José's requirements and other local, state, and federal requirements.

## **PUBLIC REVIEW PERIOD**

Before 5:00 p.m. on **Wednesday, December 1, 2004**, any person may:

- (1) Review the Draft Mitigated Negative Declaration (MND) as an informational document only; or
- (2) Submit written comments regarding the information, analysis, and mitigation measures in the Draft MND. Before the MND is adopted, Planning staff will prepare written responses to any comments, and revise the Draft MND, if necessary, to reflect any concerns raised during the public review period. All written comments will be included as part of the Final MND; or
- (3) File a formal written protest of the determination that the project would not have a significant effect on the environment. This formal protest must be filed in the Department of Planning, Building and Code Enforcement, 801 North First Street, San Jose, Room 400 and include a \$100 filing fee. The written protest should make a "fair argument" based on substantial evidence that the project will have one or more significant effects on the environment. If a valid written protest is filed with the Director of Planning, Building & Code Enforcement within the noticed public review period, the Director may (1) adopt the Mitigated Negative Declaration and set a noticed public hearing on the protest before the Planning Commission, (2) require the project applicant to prepare an environmental impact report and refund the filing fee to the protestant, or (3) require the Draft MND to be revised and undergo additional noticed public review, and refund the filing fee to the protestant.

If you require additional information about the Mitigated Negative Declaration document or the environmental review process for this project, please contact Darren McBain of the Department of Planning Building, and Code Enforcement's environmental review team at (408) 277-8567 or [darren.mcbain@sanjoseca.gov](mailto:darren.mcbain@sanjoseca.gov)

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Stephen M. Haase, AICP  
Director, Planning, Building and Code Enforcement

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